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PUBLIC OPINION AND SENTENCING: THE SURVEYS OF THE CANADIAN SENTENCING COMMISSION

Research Reports of the Canadian Sentencing Commission

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PUBLIC OPINION AND SENTENCING:
THE SURVEYS OF THE CANADIAN SENTENCING COMMISSION
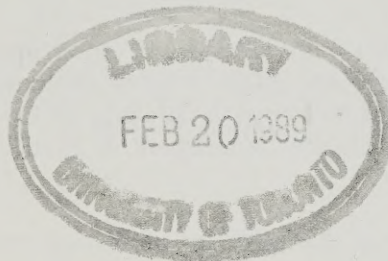
Julian Roberts
Department of Justice Canada
1988

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FOREWORD

As part of its research workplan, the Canadian Sentencing
Commission undertook several surveys of the views of the Canadian
Public. These surveys addressed particular issues raised by the
Commissioners in their deliberations, as well as more general
issues relating to public concerns in the area of sentencing.
Three such surveys were undertaken, in April 1985, January 1986,
and July 1986. Some of the results were published in the
Commission's report (see Chapter 4 and Appendix C) but obviously
not all of the findings could have been reported in a single
volume. The purpose of this report is to summarize the findings
from these three surveys, for they constitute the most
comprehensive, to date, attempt to canvass the opinions in this
area of the Canadian public. As the surveys were conducted in
three separate occasions, the first and third being separated by
over one year, this volume comprises three separate reports. The
order of reports preserves the order in which they were provided
to the members of the Canadian Sentencing Commission. The
composition of the questions, which is critical to the integrity
and utility of research in the field of public opinion surveys,
was a collaborative effort of the research team. Members of the
research team were: Jean-Paul Brodeur, Julian Roberts,
Renate Mohr and Karen Markham,. In addition of course,
substantive input came from the Chairman of the Canadian
Sentencing Commission, His Honour Judge J.R. Omer Archambault and
Professor Anthony Doob.

Finally, it should be noted that the purpose of this volume is to
present the data in a simple, straightforward manner that will
enable readers of diverse backgrounds to utilize the information.
Accordingly, references to the published literature have been
kept to a minimum. For a more academic treatment of this topic,
the interested reader is referred to forthcoming works by Roberts
and Doob (1988)[1] and Walker and Hough (1988).[2] For further
information on any of the surveys described here, the reader is
advised to contact the Research and Development Directorate,
Department of Justice, Ottawa, K1A 0H8, Canada.

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Julian Roberts
Research and Development Directorate
Department of Justice, Canada
September 1, 1987

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[1]Roberts, J.V. and Doob, A.N. (1988, in press) Sentencing
and Public Opinion: Taking False Shadows for True Substances.
Osgoode Hall Law Journal.

[2]Walker. N. and Hough, M. (Eds.) (1988) Sentencing and the
Public. (London: Gower).

PUBLIC OPINION AND SENTENCING (I)

SUMMARY

This report summarizes data from a nation-wide poll conducted by the Gallup organization in 1985. The questions addressed the issues of public knowledge about, and attitudes towards, parole and the sentencing process in Canada.

Parole

Members of the public appear to have little idea of the correct definition of parole or mandatory supervision, or even the difference between the two. They assume the system is more lenient than is in fact the case. They also believe the system has been getting more lenient over the last 5 years, although this is not the case. Perceptions of recidivism of parolees are at odds with reality: people over-estimate the percentage of parolees who re-commit both offences involving violence and property offences. The public desire offenders to spend a greater proportion of their sentences in prison. This is particularly true for people convicted of murder.

However it is also true that people are in favour of parole for certain categories of offenders. Those offenders the public would like to see denied parole at any time include murderers, sex offenders and offenders convicted of offences involving children. The public appear to believe that parole assists in rehabilitating offenders and they tend to view the parole system in the same light that they view other branches of the criminal justice system.

It is not surprising that public knowledge of early release programs and parole-related statistics is poor, for little systematic information reaches the public about these issues. Interpretation of the opinion questions is more difficult. It seems clear that the public are not implacably opposed to the concept of parole, but rather seem to be dissatisfied with what they perceive to be its current manifestation.

The public appear to want fewer offenders released, and a greater proportion of sentences served in prison by those who are eventually released. Thus 63% of the respondents wanted parolees to serve between 40 and 99% of their sentences in prison. A substantial minority (42%) expressed the opinion that offenders convicted of murder should never be eligible for parole. Fully 81% of those who thought parole should be denied certain offenders had murderers in mind as one of the restricted groups. If we look at responses to the questions regarding reasons for and against parole, we can see two patterns. First, rehabilitation and the concept of a second chance

head the former category (64%), while possible recidivism is the most important reasons against. It is probable then that people view parole as a sound alternative for part of the sentence, provided the offender has (a) potential for rehabilitation, and (b) little chance of causing further harm if released. In the eyes of the average member of the public, murderers and sex offenders are not capable of rehabilitation and not safe "risks" in terms of future offending.

We have documented public ignorance of early release programs and several critical statistics, such as recidivism rates and parole release rates. We have also seen that the public view parole in a rather negative light, but more because they disagree with the way it has been administered rather than through antipathy towards the concept per se. These findings suggest that the public may have a pragmatic, empirically-oriented view of parole. If this is the case, it should be possible to alter perceptions of the parole system by altering public awareness of several critical indices, such as recidivism rates of parolees.

Sentencing

The majority of respondents (65%) perceived sentences to be too lenient, although this proportion appears to have fallen over the last two years: in 1983, 79.5% of respondents expressed this opinion. Fully 73% stated that sentencing disparity was a problem in Canada. The public perceive wealthy offenders to be receiving sentences that are too lenient. The offences that the public believe are treated with too much leniency include: offences involving violence, drinking/driving offences; sex offences; and to a lesser degree, drug-related offences. When considering the factors that should be taken into account at sentencing, the public favour whether the offence was premeditated, the amount of harm to the victim and the extent of the offender's criminal record.

Introduction:

The data summarized in this report derive from questions included in a nation-wide poll conducted for the Canadian Sentencing Commission by the Gallup organization in April 1985. The survey was a personal interview conducted with 1062 adults. When all respondents are included the results are accurate within approximately 3% (i.e. 95 times out of 100 the figure obtained would be plus or minus 3%).

The questions pertain to three domains. First, what do the public know about parole and other early-release programs in Canada? Second, what do the public think about parole? Third, we also included some opinion questions about other matters relevant to sentencing. Variation as a function of demographics will be discussed when significant, otherwise the reader can assume responses were not appreciably different across sub-groups of people. The criterion for significance was the following. Two measures of association were employed: the Chi-square and Cramer's V. If the association was greater than .10 for the latter, or .01 for the former, it was regarded as statistically significant. This is a conservative criterion. The Cramer's V statistic can vary between 0 and 1.00. The higher the value, the greater the degree of association. For example, when respondent occupation was cross-tabulated with responses to the question about sentencing severity (see Table 17) the resulting Chi-square test was significant and Cramer's V was .15. This simply means that respondents in different occupations had significantly different views concerning sentencing severity.

I. PAROLE AND OTHER EARLY RELEASE PROGRAMS

1. Knowledge of parole and mandatory supervision (Table 1)

In the first two questions respondents were asked to identify the correct definition of parole and mandatory supervision. There were three incorrect alternatives, thus chance performance would be 1 in 4. As Table 1 shows, only 15% of the sample correctly identified mandatory supervision. The modal response (40%) was option (b). In addition 27% appeared to confuse mandatory supervision with a form of institutional security.

Approximately 1/3 of respondents correctly identified parole;[1] people appear more knowledgeable about this form of early release. It is important, however, to point out that more people were wrong than right, and that one of the incorrect alternatives (c) should have struck people as quite unlikely, since the interviewer had already identified the Canadian Sentencing Commission as the sponsor of the survey. In short, functional chance performance may have been

better than 1 in 4. Not surprisingly, the more educated respondents were more likely to correctly identify both mandatory supervision and parole (e.g. 49% of university graduates were correct about parole, compared to 22% of public school graduates).

2. Estimates of percentage of inmates released on parole and perceptions of releasing trends (Tables 2, 8)

The next questions were preceded by a definition to ensure that respondents had parole in mind and not mandatory supervision. The first asked for an estimate of the percentage of inmates released on full parole. Over the last three years for which data are available, parole releases have comprised between 31.5 and 33.8% of the total inmate population (Correctional Service Canada, 1984). Thus the correct interval is 30-39%, selected by 1/4 of respondents. Over half (51.5%) over-estimated the percentage[2] released on parole (i.e. 40-100%) while 22.7% estimated under 30% (see Table 2). The average was 47%. Table 8 presents the responses to a related question, which asked if people thought the parole system had become more harsh, more lenient, or had stayed the same over the past five years. The vast majority (66%) thought parole boards had become more lenient.

3. Recidivism of Parolees (Table 3)

To the public, parolees are high risks in terms of recidivism. In 1982 Doob and Roberts found that people over-estimated the proportion of parolees who are convicted of a violent offence within three years of release. In the present survey we asked the public to estimate the percentage of parolees who would be convicted of an offence involving violence and a property offence (two separate questions) before their period of parole had elapsed. The responses are tabulated in Table 3. The average estimate was 43%. Fully 81% over-estimated the percent convicted of violent offences, a result in keeping with the public stereotype of parolees as a potentially dangerous population.

A similar pattern emerged from the responses to the property recidivism question: 85% over-estimated the proportion of parolees re-convicted of a property offence before expiry of their parole periods. The mean estimate was 48%. Thus the view of parolees as recidivists is not restricted to offences involving violence[3].

4. Estimates of Percentage of paroles revoked (Table 4)

The next question asked for estimates of the percentage of paroles that will be revoked or cancelled. This must be considered one of the hardest questions posed, since very little information is distributed by the media about this particular statistic. From Table 4, one can see that 17% were accurate, 52% over-estimated to some

degree, while approximately 1/4 under-estimated the number of
revocations or cancellations[4]. The average for this question was
34%.

5. Estimates of proportion of sentence to be served before parole
   eligibility (Tables 5, 6, 7)

Respondents were then asked to state the percentage of a
sentence-excluding murder - that must be served in prison before an
inmate becomes eligible for full parole. Only 15% chose the correct
interval; most people appeared to assume that parole eligibility did
not arise until an inmate had served a greater proportion of
sentence[5]. These responses are contrasted in Table 5 with
responses to a question which asked for opinions as to what
percentage of time should be served before eligibility for full
parole. It is clear that the public would like to see a greater
percentage of sentences served in prison. Fully 21% chose the "no
parole" option, while a further 16% chose a figure between 70 and
99%. Only 3.9% chose the interval containing one-third. The mean
was 54%. Responses to this question were significantly affected by
region of residence. More detailed breakdowns of these data can be
seen in Table 6.

Another question asked how many years people serving life sentences
for murder[6] should have to serve before becoming eligible for full
parole. 81% of respondents endorsed "no parole" or parole only after
20-30 years (see Table 7). The average was 28 years.

6. Explanations for parole violation (Table 9)

What explanation do the public believe when they hear that a parolee
has committed an offence involving violence before the end of his
sentence? The most popular explanation is an inability to predict
dangerousness accurately (41%), followed by leniency on the part of
the parole board (34%). We expected that most people would attribute
such an error to parole board leniency. This result suggests that
the public are aware of the difficulties associated with predicting
future acts of violence.

7. Belief in the ability to accurately predict recidivism (Table 10)

The next table presents responses to the following question:
"Consider the task of predicting whether offenders will re-commit
further offences in the future. How much confidence do you have that
parole authorities can accurately predict whether an offender will
re-commit further offences?" Confidence was expressed using a
100-point scale, where 0 meant predictions can never be made
accurately and 100 meant confidence that they can always be made
accurately. As with the preceding question, people seem to be aware
of the difficulties of predicting violence: 52% chose options between
0-40 on the scale.

8. Who should be eligible for parole (Table 11)

At this point respondents were asked to state directly their general attitude towards parole: they were given three different positions: (a) all offenders should be eligible for parole; (b) only certain offenders should be eligible for parole; (c) parole should be abolished. Almost 1/4 favour the abolition of parole, but fully two-thirds endorsed the retention of full parole for certain offenders. The respondents endorsing this latter option were then asked to state the offenders who in their opinion should never be eligible for parole. Not surprisingly, murderers and sex-offenders were the target offenders people had in mind.

9. Effects of parole on prospects for rehabilitation (Table 12)

What effect does parole have upon an inmate's chances of rehabilitation? Although this is an empirical question which the public lack systematic data to answer, responses provide an idea of the public's general attitude. Table 12 shows that more people have a positive outlook (45.8) than a negative one (9.0), while a substantial minority (37.7) feel parole has no effect on the likelihood of rehabilitation.

10. Parole Board in comparison to other branches of the justice system (Table 13)

How do the public evaluate the parole system in comparison to other branches of the criminal justice system? The most common response here (56%) is to view the parole board(s) as doing "about the same" as other parts of the system (such as the police).

11. Pros and cons of parole (Table 14)

The last questions dealing with parole were designed to tap the reasons for public support for, or opposition to, the early-release program. People were given four reasons in favour of parole, and four reasons against parole, and were asked to select the strongest for both sides. (These reasons were derived from the pre-testing of the public at the Ontario Science Centre in February. Thus they represent the public's views, not those of the research team). There was more consensus upon the strongest argument against parole: 56% cited recidivism of parolees; the next most popular point was supported only by 12%. The notion of providing a second chance drew most support as the strongest argument in favour of parole (32.9%).

Correlational Analyses

Finally, correlational analyses indicated that most of the misperceptions regarding parole statistics were inter-related. Table

28 shows the degree of association among responses to these questions. These coefficients suggest that inaccurate beliefs about one statistic (e.g. the recidivism rate of violent offenders) are associated with inaccurate beliefs about other statistics (e.g. recidivism rate of property offenders; percentage of parolees whose parole is revoked).

II. PUBLIC REACTIONS TO OTHER ASPECTS OF SENTENCING IN CANADA.

1. Sentence Severity (Tables 15, 16, 17)

While the majority of questions in this survey dealt with parole and parole-related issues, several others were posed which are of relevance to the Commission's mandate. The first of these dealt directly with evaluations of the sentencing process. Respondents were asked: "In general, would you say that the sentences handed down by the Courts are too severe, about right or not severe enough?" The same question was asked in 1983 (Doob and Roberts) and 1981 (G.R.A.C.) permitting comparisons over a four-year period. The 1985 responses are presented in Table 15, and they reveal a shift from two years earlier. In 1985 only 64% of respondents thought sentences were too lenient, compared to 79.5% in 1983. The percentage of "about right" responses rose from 16 to 25. Thus for reasons unknown, there appears to have been a shift in public attitudes towards sentencing. Since this question has been asked periodically over the past 20 years by the Gallup organization, we can examine responses as far back as 1966. Table 16 presents a breakdown of these responses, and it is clear that a fair amount of fluctuation has taken place. Accordingly one should not read too much into the decline from 1983 to 1985. As in the past, educational level was related to the view that sentences were too lenient: 70% of public school respondents endorsed this view, compared to 66% for high school graduates and 52% for university graduates (Cramer's V = .15). There was little variation as a function of self-reported income, age, sex, province of residence, or geographic region. However, there was significant variation (Cramer's v = .15) as a function of occupation. Table 17 provides a breakdown of responses for each of 10 occupational categories, and as one can see, the percentage expressing the opinion that the courts are too lenient varies considerably, from 49% (students) to 87% (retired individuals).

2. Sentencing Disparity (Table 18, 19)

Since one of the central issues in sentencing concerns unwarranted variation, respondents were asked the following question: "One topic that has been discussed recently concerns sentencing disparity. This refers to the possibility that similar offenders, convicted of similar offences, sometimes receive dissimilar sentences. From what you know about sentencing in Canada, do you think this is a problem or not?". There was substantial consensus among respondents: 73% stated disparity was a problem while only 15% said it was not (a further 12% said they did not know - see Table 18).

To further probe the kinds of disparities that people had in mind, the next question provided three target populations: (native offenders; people who are wealthy and/or well-known; people who are poor) and asked respondents if the sentences handed down to these three groups were too harsh, appropriate, or too lenient. Respondents were equally likely to state that native offenders received sentences that were too harsh (19%) as opposed to too lenient (18% - see Table 19). There was a great deal of consensus about wealthy offenders however: 77% thought that this group received disproportionately lenient sentences. The third offender category contained people who are poor, and respondents stated that they received disproportionately harsh sentences (43%). Thus as far as types of offenders are concerned, the public perceive disparity to arise as a consequence of lenient sentences for the wealthy. Since there are few such offenders, it suggests that a single instance can lead to strong generalizations about the entire process.

3. Offences receiving disparately lenient sentences (Table 19)

The interviewer then read to respondents five categories of offences and asked them if sentences were too harsh or too lenient (thus this question refers to disparity from a norm).[8] The first offence category was crimes involving violence: over 2/3 of respondents thought that sentences were too lenient. The figure was much lower (42.5%) for property offences, indeed fully 46% of respondents endorsed the "appropriate" option for this category of offence. Drinking/Driving offences (71.4%) and sex offences (83.3%) received the most consensus in terms of perceived leniency. It is clear from responses to this question that the public do not have a simplistic view of sentencing: they do not view all sentences as being too tenient; rather there are particular offences (and offenders) that they regard as receiving disproportionately lenient sentences.[9]

4. Perceptions of who is responsible for crime control (Table 20)

Participants were asked to state who they thought was most responsible for controlling crime. The most popular response (47%) was "society generally", but the next most frequent choice was "the courts"[10]. In fact three times as many individuals chose the courts as chose the police[11], indicating, presumably, that the public believe crime can be controlled by the sentencing process.

5. Factors to be considered when sentencing (Table 21)

The last question in the series presented respondents with a list of factors[12] to be considered in sentencing. They were then asked to state whether each factor should always, sometimes or never be taken into account[13]. The G.R.A.C. [14] survey in 1981 had asked respondents to endorse the single most important factor a judge should take into account. It was felt that providing 10 factors, which people could endorse to varying degrees, was a superior method of obtaining information on the public's view of sentencing.

The results suggest that the Canadian public adhere to a multi-dimensional sentencing model, one that assigns substantial weight to intention (premeditation factor - 82.8% "always"), consequences (harm to victim - 80.3% "always") and nature of the offender's history (extent of record - 78% "always"). In addition however, respondents appeared sensitive to other, less obvious factors. Thus fully 88% believed that whether the offender had made restitution should always or sometimes be taken into account. It is interesting to note that 57% thought that "whether this particular crime is occurring frequently in the community" should always be taken into account. Finally, the factor which received least support (47% thought it should never be taken into account) was whether the offender saved the cost of a trial by pleading guilty.

Demographic Variation & Sentencing Factors (Table 22)

Table 22 summarizes support for various sentencing factors as a function of demographic variation. As can be seen from this table, education is the demographic variable which most affects responses to the sentencing factor question. (The reader should bear in mind that relatively small differences emerge significant with such a large number of respondents.) However, this table demonstrates that there is considerable diversity in the degree to which the public accept these factors as important determinants of sentence.

In addition the relationships were neither straightforward nor predictable. For some factors people with more education were more likely to endorse the "always" option, for other factors people in the lower education categories were more likely to endorse the "always" option. For these reasons the relationships will not be discussed in further detail.

Further Analyses Involving the Perception of Leniency

It is clear from additional analyses that the view that courts are too lenient is not independent of opinions on a number of related topics. For example, Table 23 shows that people who believe that sentences are too light also have a more negative view of the ameliorative effects of parole. While 2/3 of respondents in the other two categories (too severe; about right) thought parole had a positive effect on an offender's prospects for rehabilitation, only 41% of those believing sentences to be too light shared this view.

Table 24 shows that people who thought sentences were too light were also more likely to think parole boards had become more lenient. The next Table (25) suggests the perception of leniency is also related to the perception of disparity. Respondents who thought sentences were too light also tended to view disparity as a problem.

Table 27 summarizes analyses of variance upon the quantitative estimates (e.g., estimates of percentage of parolees who repeat.) As can be seen from this table, significant differences consistently emerge as a function of attitude to sentencing severity. On all six questions people who viewed current sentences as being too lenient had more negative views of these important indicators.

Finally, Table 26 shows that fully 31% of those who thought that sentences were too lenient also viewed the courts as being most responsible for crime reduction. The percentage was much lower for the other two categories of response.

NOTES

1. If 35% seems high compared to the pre-test results, it should be borne in mind that the pre-test asked subjects to explain the difference between parole and mandatory supervision which is clearly a much harder task.

2. Although the interviewer made a distinction between parole and mandatory supervision before beginning the parole-specific questions, it is possible that people were still thinking of both populations when they answered this question. This would explain the over-estimation of the number released on parole alone.

3. It is interesting to speculate how this misperception has come about. Previous research (Roberts and White, 1984) has shown that one conviction is sufficient for the public to view an offender as an inveterate criminal; this kind of stereotyping may be taking place with perceptions of parolees. Alternatively, the public may simply be absorbing media representations of parolees, which tend to emphasize crimes of violence. This would not explain the over-estimation of property offence recidivism however, since this is not a noticeable feature of media stories about parole violators. A third possibility springs from cognitive social psychology, which has demonstrated what is known as an illusory correlation. People tend to perceive an association between distinctive events even in the absence of any actual correlation. Thus, since violent acts are distinctive by their impact upon the reader, and parolees are distinctive from "ordinary citizens", the public is likely to perceive a relationship between being on parole and committing further crimes.

4. This is probably a poor question because in addition to knowing little about the proportion of revocations/cancellations, members of the public probably have no knowledge of the grounds for revocation.

5. Bearing in mind the responses to other questions one might have expected members of the public to assume parole eligibiity arises much earlier than is in fact the case. However, it is possible that respondents were interpreting the question to ask what proportion of a person's sentence is actually served before they are released on parole. If this were the case it would explain the "over-estimates" obtained in response to this question.

6. Time constraints prevented us from providing respondents with definitions of first and second degree murder, and then asking them about these categories separately.

7. An earlier survey of public opinion in Canada (Mandel, 1984; see also G.R.A.C., 1981; and Brillon, 1983) found that almost 2/3 of respondents agreed with the statement that "the legal system favours the rich and the powerful". It was not clear whether people had sentencing in mind - they may have been referring to discrimination in favour of the rich at earlier stages of the justice process.

8. It is probably true that for the average member of the public, disparity in sentencing implies a departure from some consensual norm.

9. The distinction between the twin issues of severity and disparity becomes blurred here. One can view these responses as reflecting dissatisfaction with sentencing severity (the majority of responses are in the insufficiently harsh category or with disparity (i.e. disparity from some norm)).

10. An interesting corollary question, given that 47% thought the responsibility lay with society generally, would be to ask the public the direct question of what the best way to control crime would be.

11. This finding is consistent with a question from the G.R.A.C. survey which found that 77% of the respondents agreed with the statement "There is a great deal of crime because sentences are not severe enough".

12. The factors were generated by the research staff with a view to compiling a non-exhaustive list that reflected the most important items considered by Canadian judges. Many of the factors were drawn from Nadin-Davis (1982). While the list is far from complete, it is unlikely that any factor which would generate substantial public support was omitted.

13. One problem with asking respondents to respond to a list of factors in this way concerns response acquiescence: people may endorse factors they would otherwise reject, or support factors more strongly than they would if they had to generate the list themselves. This problem usually manifests itself in inflated ratings, and little item-to-item variation. It does not appear to be an issue with the present survey since there is a great deal of variability across items.

14. The order of factors, by percentage of individuals selecting them as "the single most important factor, was as follows: whether the crime was premeditated (27%); the way the crime was committed (24%); reasons for committing the crime (20%); whether the accused had a criminal record (16%); personality and social background of the accused (9%); victim's age and sex (3%). From this ranking we might infer that record was not particularly important (endorsed by only 16%), whereas the current survey reveals it is very important.

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LIST OF TABLES

TABLE 1

Definitions of Mandatory Supervision and Parole

1. Which of the following best describes mandatory supervision?

   a) a period of surveillance to which all inmates
      are subject upon leaving prison after completing
      their sentences   40.3

   b) a period of observation that applies to all
      new prison guards before they can obtain
      permanent employment   7.8

   c) a form of close observation to which certain
      inmates are subject during their time in prison   27.2

   d) a form of early release from prison as a result
      of good behaviour   15.3

      Don't know/not stated   9.4

                                                                   100.0

Question#1:   "First on general knowledge. I'd like you
               to tell me which one of the phrases or
               definitions on this card best describes
               mandatory supervision"

2. Which of the following best describes parole?

   a) a period of supervision ordered by a judge
      as part of a sentence   17.5

   b) a form of early release from prison that
      inmates must apply for and which is only
      granted to certain applicants   34.8

   c) a period of close observation to which
      certain inmates are subject during their
      time in prison   10.1

   d) a form of early release from prison as a
      result of good behaviour while in prison   32.8

      Don't know/not stated   4.8

                                                                   100.0

Question #2:   "Now please read these phrases and tell me which one
                best describes parole".

TABLE 2

Estimates of percentage of inmates
released on full parole

Accurate* (30-39%)	11.7
See system as somewhat more lenient than it is (40-59%)	24.7
See system as much more lenient than it is (60-100%)	26.8
See system as harsher than it is (0-29%)	22.8
Don't know/not stated	14.0
	100.0

Question #3:   "What percent of all inmates in Canadian prisons are released on full parole?"

Source: Solicitor General's Study of Conditional Release (1981) (See note to Table 7)

TABLE 3

Estimates of percentage of parolees
convicted of violence/property offences
<u>before</u> period of parole has elapsed.

	Violence	Property
Accurate* (1-9%)	8.2	3.4
Small over-estimate (10-29%)	25.0	19.0
Large over-estimate (30-100%)	55.8	66.1
Don't know/not stated	11.0	11.4
	100.0	100.0

Correct estimate: violence 2%
　　　　　　　　property 9%

Question #4:　"Now of every 100 parolees what percent do you think
are convicted of an offence involving <u>violence</u> – such
as assault or rape – before their period of parole
has elapsed?

Question #5:　"Now of every 100 parolees what percent do you think
are convicted of an offence involving <u>property</u> – such
as theft – before their period of parole has
elapsed?

*Source:　Solicitor General Canada (1981)

TABLE 4

Estimates of percentage of parolees whose
parole will be revoked or cancelled

Accurate* (20-29%)	17.3
Small over-estimate (30-49%)	19.4
Large over-estimate (50-100%)	22.8
Under-estimate (0-19%)	26.5
Don't know/not stated	14.0
	100.0

Question #6:   "Of 100 parolees what percentage do you think will
have their parole revoked or cancelled?"

*Source: Solicitor General Canada (1981)

TABLE 5

Estimates of percentage of sentence (excluding murder convictions) that must be served before an inmate becomes eligible for full parole, and opinion about what % should be served.

%	Currently Served	Should be Served
1 -29	13.9	4.8
30 - 39*	14.6	3.9
40 - 69	34.6	25.1
70 - 99	24.4	38.0
100		20.6
Don't know/not stated	12.5	7.6
	100.0	100.0

* Correct estimate

Question #7:   "Excluding people convicted of murder, what percentage of a person's sentence must be served in prison before an inmate becomes eligible for full parole?"

Question #8:   "Excluding people convicted of murder, what percentage of an offender's sentence do you think should be served in prison before an offender becomes eligible for full parole?"

Source: Solicitor General Canada (1981)

TABLE 6

Opinion of % of sentence (excluding murder
convictions) that <u>should</u> be served before parole
eligibility, by region of residence.

REGION

%	Atlantic	Quebec	Ontario	Prairies	B.C.	National
1-29	4.9	5.9	4.3	3.0	6.6	4.8
30-39	3.6	5.7	3.4	.9	6.2	3.9
40-69	31.2	25.3	23.4	27.4	20.4	25.1
70-99	32.5	30.3	41.0	44.9	41.7	38.0
100	21.2	18.6	23.2	17.0	23.0	20.6
Don't Know not stated	6.6	14.3	4.7	6.8	2.1	7.6
	100.0	100.0	100.0	100.0	100.0	100.0

Note: Cramer's V = .14; Chi-square = 80.5, $p < .001$

Question #8:   See Table 5

TABLE 7

Number of years that should be served
by people serving life sentences for
murder* before they become eligible
for parole

	%
1 - 9	1.2
10 - 19	12.4
20 - 30	38.6
Should never get parole	42.1
Don't know/not stated	5.7
	100.0

* See note 5 in text

Question #9: "Now, turning to people serving life sentences for
murder, how many years should these individuals have
to serve in prison before they become eligible for
full parole?"

TABLE 8

Perceptions of release trends over
last five years: have Parole Boards become
more lenient, more strict or stayed about
the same?

More lenient	65.7
More strict	4.8
Stayed about the same	21.0
Don't know/not stated	8.5
	100.0

* Parole rates for the most recent years: 83/84: 31.5%; 82/83: 33.2%;
81/82: 33.8%. Correct estimate: stayed about the same.

Question #10:   "Over the past five years are parole boards more
                lenient- releasing more people; are they more strict
                - releasing fewer people; or have they stayed about
                the same?"

Source: Correctional Service Canada (1984)

TABLE 9

Explanations for offences committed while on parole violations

An inability to predict dangerousness accurately	40.8
Leniency on the part of the parole board	34.2
An administrative error	6.5
The offender had paid his full debt to society and the law required that he be released	11.5
Other	1.0
Don't know	6.0
	100.0

Question #11: "If you were to hear that a parolee committed an offence involving violence, before the expiry of his sentence, which of these most likely explains his release in the first place?"

TABLE 10

Belief in the ability to accurately
prediction of recidivism

0 - 20	27.1
21 - 40	24.8
41 - 60	29.6
61 - 80	8.2
81 - 100	1.0
Don't know/not stated	9.3
	100.0

Question #17:   "Now I would like you to consider the parole
authority's task of predicting whether offenders will
re-commit further offences in the future. How much
confidence do you have that parole authorities can
accurately predict whether an offender will re-commit
further offences?"

(Respondents chose a number between 0 - 100 where 0 = such
predictions can never be accurately made and 100 = such predictions
can always be accurately made).

TABLE 11

Opinion concerning who should be eligible for
parole

a)   All offenders   8.9

Only certain offenders   65.4

Parole should be abolished   22.5

Don't know/not stated   3.2

                                               100.0

b)   If "only certain offenders", who exactly should never
be eligible?"

a)   murderers   80.9

b)   sex offenders   48.4

c)   child-related offences   25.8

d)   other   19.3

e)   habitual criminals   6.7

Don't know/not stated   4.2 *

*Total exceeds 100 due to multiple choices; numbers
represent percentage of total responses.

Question #12(a):   "Please look at this card and tell me which
comes closest to your opinion? (Read options)

Question #12(b):   If respondent chooses "only certain offenders"
ask what offenders should never be eligible.

TABLE 12

Effects of parole on prospects for rehabilitation

Parole increases likelihood of rehabilitation	45.8
Parole decreases likelihood of rehabilitation	9.0
Parole has no effect upon the likelihood of rehabilitation	37.7
Don't know/not stated	7.5
	100.0

Question #13: "Is the liklihood of an inmate's rehabilitation increased or decreased by his being granted parole, or does the granting of parole have no effect?

TABLE 13

Evaluations of parole board compared to other branches of criminal justice system

A great deal worse than other branches	3.9
Somewhat worse	14.9
About the same	55.6
Somewhat better	10.3
A great deal better	1.4
Don't know/not stated	13.9
	100.0

Question #14: "Compared with other branches of the criminal justice system, for example the courts and the police - what kind of job do you think the parole authorities in this country are doing?

TABLE 14

Opinion concerning the strongest argument
in favour of parole, and against parole.

a)   Strongest argument for parole

1. Promotes rehabilitation	21.0
2. Provides second chance	32.9
3. Saves money	14.1
4. Provides incentive to inmates	26.2
5. Don't know/not stated	5.8
	100.0

b)   Strongest argument against parole.

1. Recidivism of parolees	55.5
2. Undermines sentence of court	10.3
3. Undermines deterrent effect of law	13.6
4. Introduces uncertainty into sentencing	12.4
5. Don't know/not stated	8.2
	100.0

Question #15:   "Which one of the following is the strongest reason
in favour of parole?"

Question #16:   "Which one of the following is the strongest reason
against parole?"

TABLE 15

Perceptions of sentencing severity, and a
comparison with responses to the same
question in 1983*, and 1981**

	1985	1983	1981
Too severe	2.2	1.4	4.2
About right	25.0	16.7	17.5
Not severe enough	64.6	79.5	72.0
Don't know/ not stated	8.2	2.4	6.3
	100.0	100.0	100.0

Question #18:   "In general, would you say that sentences handed down
by the courts are too severe, about right or not
severe enough?"

* Source: Doob, A.N. and Roberts, J.V. (1983)

** Source: G.R.A.C. (1981)

TABLE 16

Perceptions of sentencing in Canada 1966-1985*

	Too Severe	About Right	Not Severe Enough	Don't Know
1985	2	25	65	8
1983	1	17	80	2
1982	4	11	79	6
1981	4	18	72	6
1980	4	19	63	14
1977	4	12	75	9
1975	4	13	73	10
1974	6	16	66	12
1969	2	22	58	18
1966	7	29	43	21

Question #18: See Table 15.

* Source: Gallup Institute of Public Opinion.

TABLE 17

Occupational category of respondent and opinion of sentencing

Courts are:

Respondent Occupation	Too Severe	About Right	Not Severe Enough	
Disabled/retired	1.1	11.6	87.3	- 100%
Unskilled labour	3.9	21.2	74.9	- 100%
Unemployed	0	25.6	74.4	- 100%
Sales	2.9	23.5	73.6	- 100%
Housewife	1.3	27.0	71.7	- 100%
Clerical	1.9	27.1	71.0	- 100%
Business Executive	0	29.2	70.8	- 100%
Skilled labour	4.4	26.5	69.1	- 100%
Professional	1.1	36.7	62.2	- 100%
Student	5.1	45.8	49.1	- 100%

Note: Cramer's V = .15; Chi-square = 40.8, p .002

TABLE 18

Perceptions of unwarranted sentencing disparity

	Overall	Excluding Don't know
Yes, it is a problem	72.5	82.5
No, it is not a problem	15.4	17.5
Don't know/not stated	12.1	--
	100.0	100.0

Question #19: "One topic that has been discussed recently concerns sentencing disparity. This refers to the possibility that similar offenders, convicted of similar offences, sometimes receive dissimilar sentences. From what you know about sentencing in Canada do you think this is a problem or not?"

TABLE 19

Types of offenders and offences receiving disparate sentences

A: <u>Offenders:</u>

	Too harsh	Appropriate	Too lenient	Don't know	
Native Canadians	18.9	42.6	19.9	18.5	- 100%
People who are poor	43.0	43.3	5.8	8.0	- 100%
People who are wealthy and/or well-known	2.2	15.3	76.8	5.8	- 100%

B: <u>Offences:</u>

Violence offences	1.7	25.4	69.4	3.5	- 100%
Property offences	5.4	45.6	42.5	6.4	- 100%
Drinking & driving	3.5	22.5	71.4	2.7	- 100%
Sex offences	1.8	10.8	83.3	4.1	- 100%
Drug-related offences	9.1	28.1	56.4	6.4	- 100%

Question #20: "In your opinion, are sentences for (e.g. Native Canadians), for instance, more harsh or more lenient than they deserve?"

Question #21: "Now I would like you to indicate, if offenders convicted of the following types of offences are treated more harshly or more leniently than they deserve.

TABLE 20

Perceptions of who is responsible for crime control

Police	8.3
Courts	24.3
Corrections (including parole)	5.7
Elsewhere (e.g. employment and community programs)	9.6
Society generally	47.2
Other	1.3
Don't know/not stated	3.6
	100.0

Question #22: "Although reducing crime is a responsibility shared by many, where do you think the main responsibility lies?"

TABLE 21

Public opinion concerning factors to be taken into account when sentencing.

	Always	Sometimes	Never	Don't know
Whether the crime was premeditated.........	82.8	12.5	2.3	2.4
The extent of harm to victim...............	80.3	15.3	2.2	2.2
Extent of criminal record of the offender..	78.0	15.4	4.2	2.4
Whether the offender is seen as likely to commit an offence again.......	67.3	24.6	5.4	2.6
Whether this particular kind of crime is occurring frequently in the community.............	56.9	27.6	12.1	3.4
Whether the offender has repaid or in some way made amends to the victim...............	43.4	44.2	9.0	3.5
The offender's age....	33.8	39.3	23.8	3.1
Personal circumstances - for example employment & educational history..	28.1	41.4	26.2	4.3
The extent of the offender's ties with the community.......	21.9	30.6	42.0	5.5
Whether the offender saved the cost of a trial by pleading guilty	19.7	28.8	46.6	5.0

Question #23:   "Now please consider the factors that judges should take into account when sentencing an offender. Besides the seriousness of the offence, which of the following factors should be taken into account?"

TABLE 22

**The influence of demographic variables
upon sentencing factors*: Cramer's V Statistics**

Factor	Sex	Age	Educ.	Occup.	Region	Income	Commun.Size
A	--	--	12	--	--	--	--
B	--	--	11	--	--	--	--
C	--	--	--	--	12	11	--
D	--	--	15	--	--	--	--
E	--	11	--	--	--	--	--
F	--	13	14	15	14	--	--
G	--	10	14	--	20	--	14
H	--	13	12	12	17	--	11
I	--	14	18	15	18	13	14
J	--	--	12	--	--	--	--

Key

A - Harm to victim
B - Premeditation
C - Probability of Recidivism
D - Whether crime occurs frequently
E - Whether restitution made
F - Age
G - Community ties
H - Personal circumstances
I - Guilty plea
J - Prior record

* The higher the number - the greater the influence the variable has on the
factor (all coefficients significant at .001 level).

TABLE 23

Cross-tabulation of perceptions of sentence severity and effect of parole on rehabilitation

Sentences are:

Parole:	Too Severe	About Right	Too Lenient
Increases chances of rehabilitation	68	67	41
Has no effect on chances of rehabilitation	18	25	48
Decreases chances of rehabilitation	14	8	11
	100%	100%	100%

$X^2 = 54$, $p < .001$; Crammer's V $-= .17$

TABLE 24

Cross-tabulation of perceptions of judicial
leniency and parole board leniency

Parole Decisions have become:	Sentences are:		
	Too Severe	About Right	Too Lenient
More Lenient	50	60	78
Stayed the same	20	7	4
More strict	30	33	18
	100%	100%	100%

Chi-square = 34.5, p$<$.001; Cramer's V = .14.

TABLE 25

Cross-tabulation of perceptions of sentencing severity and disparity

Is Sentencing Disparity a problem?	Sentences are:		
	Too Severe	About Right	Too Lenient
Yes	80	71	87
No	20	29	13
	100%	100%	100%

Chi-square = 28   p. $<$ .001; Cramer's V = .18

TABLE 26

**Cross-Tabulation of perceptions of sentencing
severity and responsibility for crime reduction**

Who is responsible for crime reduction?	Sentences are:		
	Too Severe	About Right	Too Lenient
Courts	10	17	31
Police	20	11	8
Prison and parole	10	7	5
Community programs	20	13	8
Society generally	40	52	48
	100%	100%	100%

Chi-square = 32, p< .001; Cramer's V = .13

TABLE 27

Analysis of Selected Questions by Attitude to Courts (Means)

Questions:	Sentences are:		
	Too Severe	About Right	Too Lenient
% offenders Paroled (Q.3)	4.6	4.9	5.4
% reconvicted (Q.4) violence	4.3	3.8	5.1
% reconvicted (Q.5) Property	4.6	4.9	5.6
% of paroles (Q.6) revoked	4.0	3.5	4.1
% of Sentence (Q.8) before parole	5.8	6.8	7.4
% of Sentence (Q.9) before parole (murder)	3.6	4.7	5.3

Note: One-way analyses of variance all significant at .001 level.

TABLE 28

Correlation Coefficients Involving
Estimation Questions*

% released on parole (Q.3) with % reconvicted of violent (Q.4) = .24

% released on parole (Q.3) with % reconvicted of property (Q.5) = .28

% released on parole (Q.3) with % paroles revoked (Q.6) = .11

% reconvicted of violence (Q.4) with % reconvicted property (Q.5) = .45

% reconvicted of violence (Q.4) with % paroles revoked (Q.6) = .29

% reconvicted property (Q.5) with % paroles revoked (Q.6) = .25

* All coefficients significant at $p < .001$ level.

PUBLIC OPINION AND SENTENCING (II)

SUMMARY

This report summarizes data from a nation-wide poll conducted in 1986 by the Gallup organization. It addresses public attitudes to and knowledge of, various aspects of sentencing.

Highlights:

*   61% expressed the view that sentences are too lenient, a decline from 65% in 1985 and 80% in 1983.

*   Most respondents favoured more severe sentences on the principle of desert, rather than for reasons of deterrence, incapacitation or denunciation.

*   When people were asked to recall a lenient sentence, they were most likely to report a homicide case.

*   Other offences for which lenient sentences were likely to be recalled included sexual assault and impaired driving.

*   95% of the public report getting their information about sentencing from the news media, with most (53%) citing television news.

*   Only 1% of respondents heard about sentences from government publications or by attending court.

*   Individual deterrence was the most popular purpose of sentencing offenders convicted of minor offences. Incapacitation was seen as being irrelevant by most members of the public.

*   Incapacitation was the most popular purpose of sentencing offenders convicted of serious offences.

*   Community service orders and probation orders were viewed as the most appropriate sentences to ensure protection of the public from minor offenders.

*   Imprisonment was seen as the most appropriate sentence to ensure protection of the public from offenders convicted of serious offences.

*   70% were opposed to judges taking community attitudes into account when sentencing.

*   62% were opposed to judges taking offence frequency into account when sentencing.

*   Reducing unemployment was seen as the most effective way to control crime. Only 27% endorsed harsher sentences as a way to control crime.

*   Of 7 offences (assault; B/E private; B/E business; theft over and under; impaired driving and robbery) people were most likely to support imprisonment for assault cases (74%) and least likely to support incarceration for theft under (17%).

*   Most people under-estimated the severity of current maximum penalties: the average estimate for robbery was 7 years, for break and enter less than 4. Approximabely 20% did not know any maxima.

*   Given a multiple-choice question defining plea-bargaining, the majority (63%) correctly identified the process.

*   When asked to compute total sentence time given two concurrent terms, the majority were incorrect.

*   When asked to compute total sentence time given two consecutive terms the majority were correct.

*   There was little variation in responses due to respondent age, sex or region of residence.

INTRODUCTION:

This report summarizes the results of a representative nation-wide survey
of 1,008 Canadians conducted for The Canadian Sentencing Commission by the
Gallup, in January, 1986. The purpose of the survey was to explore public
attitudes to, and knowledge of, the sentencing process in Canada. It
examines new issues and builds upon the survey conducted in 1985.

1. Sentence Severity

In order to provide cross-tabulations with other questions, and to assess
any change in public attitudes, respondents were asked their attitude to
severity of current sentencing. On this occasion 61% of respondents
endorsed the view that sentences are too lenient. This is a decline from
1985 when the figure was 65.7 (Research Staff, 1985) and represents an
almost 20% decline from 1983 (Doob and Roberts) when 79.5% thought
sentences were too lenient. This result suggests that there has been a
shift in public attitudes since 1983, and that the result from last year's
poll was not simply due to sampling variation. Over one-quarter (27%)
thought sentences were about right, while 10% responded "don't know".

2. Reasons for harsher sentences (Tables 1, 2)

In the past polls, have simply asked the public whether sentences should
be made more severe, not why. This time we wought to probe more fully
into the reasons for this desire for harsher sentences.

The 620 (61.5%) respondents who thought sentences were too lenient were
then asked to rate the importance of several reasons for making sentences
harsher. These included: general and individual deterrence;
incapacitation; desert and denunciation.[1] They were provided with a
10-point scale, where 10 represented high importance. Mean rankings were
then computed and while they showed substantial support for all 5 reasons,
consideration of desert emerged as the most important, with incapacitation
as least important. These means are significantly different from one
another $F(4,3076) = 20.66, p < .0001$). A better way of examining the data
is presented in Table 2. This table records the percentage of respondents
who rated each of the sentencing purposes as 8, 9 or 10 on the 10-point
scale of importance. One can see separation among the various reasons,
with consideration of desert still receiving most endorsement (76%) while
incapacitation received least support (57%). Responses to this question
suggest that the public seek harsher penalties because they believe that
current sentencing practice deviates from a desert-oriented penal policy.

3. Type of lenient sentence recalled (Table 3)

All subjects were asked to state the kind of offence which they had heard
about recently which had received a lenient sentence. Fully 39% could not
recall one at that time[2]. Those that recalled a lenient sentence were
most likely to have heard of an offence involving violence. The most
frequent offence recalled with a lenient sentence was murder, followed by
sexual assault. Excluding the individuals who could not recall a lenient
sentence, offences involving violence accounted for approximately 90% of
responses.

Source of Information About Sentencing (Table 4)

Respondents were asked to state their primary source of information about sentencing. Fully 95% cited one of the media, with television news being cited more often (53%) than newspapers (31%) or radio news (11%). This is in keeping with earlier research in the U.S. (Graber, 1980).

Sentencing Purpose (Tables 5 - 9)

The next questions addressed the purposes of sentencing offenders. Respondents were asked to choose (for minor and major offences) the most important purpose, and to state whether the remaining purposes were at least relevant for consideration. The purposes listed included: general and individual deterrence, rehabilitation, denunciation, desert, incapacitation and restitution. (They were also allowed to suggest other sentencing purposes, although no-one did).

Minor Offences (Tables 5, 6)

Individual deterrence gained the support of the largest number of respondents (34%), followed by desert (17%); rehabilitation (16%); general deterrence (12%) with incapacitation and restitution getting less than 10%. From the second part of the question, (Table 6) it can be seen that most other purposes were seen as being relevant. The only purpose that was seen as being relevant by less than half the sample was incapacitation: 50% said this was not relevant to sentencing offenders convicted of minor offences.[3]

Major Offences (Table 7, 8)

When we turn to major offences we can see that the picture changes substantially. The incapacitation option now draws most support (39%), followed by desert (27%). Moreover, all sentencing purposes were seen as being relevant to sentencing these offenders. It is clear that the public favours a different sentencing model for offenders convicted of serious crimes.

Protection of the Public (Minor Offenders) (Table 9)

Respondents were asked to choose the best way of achieving protection of the public from offenders convicted of minor offences such as theft under $200. The list included: fines, probation, community service orders, imprisonment of a greater proportion of offenders and imprisonment of offenders for a longer period of time. Only 3% choose "don't know". Over half (53%) supported CSO's, followed by an additional 35% choosing fines or probation. Less than 5% endorsed the options involving incarceration. Thus the public seem quite clear in their opinions about sentencing minor offenders: protection of the public can best be achieved by alternatives to imprisonment.

Protection of the Public (Major Offenders) (Tables 9, 10)

The picture again changes when the same question was posed about offenders convicted of more serious crimes such as assault. Now 75% of the respondents endorsed the incarcerative options, with slightly more favouring longer periods over the option to incarcerate greater numbers of offenders. Support for fines dropped from 13 to less than 1%. Thus the public make a clear distinction between serious and non-serious offenders[4] when considering the aims of sentencing. This distinction presumably turns upon the issue of violence.

Table 10 shows a cross-tabulation between responses regarding serious offenders and responses to the general question about sentence severity. As can be seen, those who perceive sentences to be too lenient are significantly more likely to favour longer terms of imprisonment, and less likely to favour non-carceral sanctions such as a fine or probation.

Effect of Community Attitudes on Sentencing (Tables 11, 12)

One of the issues raised in the sentencing literature concerns the legitimacy of taking community opinion regarding a particular offence into account when sentencing. Sometimes an offence is regarded as more serious in one community than another. Respondents were asked if community standards should be allowed to influence sentencing. Since the question was quite complex for a survey of this kind, they were explicitly asked if they understood the issue, and if not the question was repeated. In the event, respondents had little trouble with the question, and a high degree of consensus emerged: over 70% endorsed the view that community standards should play no role in determining sentence.

The following table (12) demonstrates that responses to this question were related to the perception that sentences are too lenient. People who wanted harsher sentences were less likely to favour incorporating community standards into sentencing practice.

Effect of Offence Frequency on Sentencing (Table 13)

A related but independent issue concerns the role of the frequency of the offence upon sentencing. It provides the most often-cited justification for the exemplary sentence, and assumes the purpose of the sentence is deterrence, both individual and general. Speaking of the exemplary sentence, Nadin-Davis (1982) states: "the aim of such a sentence, is, of course, general deterrence, and it may be imposed in view of the particularly serious nature of the crime, the need to protect particularly vulnerable victims such as children, taxi drivers or jail inmates, or in view of the prevalence of the offence in a particular locality". (p. 49)

The wording of the exact question can be seen in Table 13. As with the previous question, the public favoured the desert-based position that these factors (community opinion; offence frequency) are essentially extra-legal, and should not affect sentencing. Over 60% rejected the increased sentence due to an increase in offence frequency. (See note 5 for further discussion of this question). It is also interesting to note that fewer than 5% of the respondents had no opinion on these issues.

Another cross-tab (Table 14) reveals that responses to the two questions about community opinion and offence frequency are significantly related, and in a predictable direction. Individuals favouring the introduction of community opinion (into sentencing) also favour a harsher (exemplary) sentence following an increase in offence frequency.

Crime Control (Tables 15, 16)

Although most people support more severe sentences, they do not necessarily see harsher sentences as the most effective way to achieve crime control. Thus when presented with a list of possible crime-control mechanisms, only approximately 1/4 of respondents suggested harsher sentencing. The most popular alternative was "Reduce the level of unemployment" (41%). A further 23% supported the increased use of non-carceral sentencing options or an increase in social programs. Responses to this question also support the view that the public do not endorse harsher penalties in order to achieve the utilitarian goal of deterrence. This result is also in line with the outcome of a question on last year's poll, which found that most people viewed "society in general" as being responsible for crime control, rather than the police, the courts or corrections.

When responses to this question are cross-tabulated with responses to the question on sentence severity, we can see a significant relationship between the two. Table 16 shows that those who perceive sentences to be too lenient are far more likely to endorse, harsher sentences as the optimal way to control crime. Not surprisingly, this group is significantly less likely to endorse non-carceral sanctions and social programs as solutions to crime.

Opinion as to Imprisonment (Table 17)

Respondents were informed that an offender could be given a number of alternatives to imprisonment, and that these included a fine, a period of probation and community service. They were then asked whether an adult offender (with no previous convictions) should receive a term of imprisonment or not. They were asked to consider 7 offences, ranging in seriousness from theft under $200 to robbery.

Consistent with their view of the relative seriousness of offences, the public were most punitive towards the assault category: 74% thought offenders convicted of assault should be imprisoned. The public were less punitive towards the other offences, although it is worth noting that a majority favoured imprisonment for all crimes except theft under $200. It is also interesting to note that impaired driving offenders were treated less harshly than theft over $200 cases. It suggests that the public are not necessarily as punitive towards convicted impaired drivers as some people have suggested.[6]

It is interesting to compare the opinions of two groups: those favouring individual deterrence and those favouring rehabilitation. The next table (18) shows the importance, once again, of sentencing purpose in determining sentences. With one exception (theft under) people favouring individual deterrence consistently "incarcerate" a higher percentage of offenders than do respondents who endorse rehabilitation.

Knowledge of Aspects of Sentencing

To conclude, the survey contained some questions examining public knowledge of actual sentencing, plea-bargaining and consecutive/concurrent sentences.

Estimates of Average Sentences (Table 19)

Respondents were asked to estimate the average sentence length for 5 offences: theft under $200; manslaughter; impaired driving; robbery; break and enter private dwelling. Since they were asked about sentences rather than time served, it appears that they under-estimated the severity of sentences for most offences (impaired driving being the exception). This result supports the findings of earlier work (Doob and Roberts, 1982) which found that the Canadian public under-estimated the proportion of offenders who were sent to jail.

Knowledge of Statutory Maxima (Table 20)

Little work has been conducted upon the question of public knowledge of statutory maxima. That which has been done suggests the public have little idea of maximum penalties. Thus the Assembly Committee on Criminal Procedure (1975) reported that between 21 and 49% of respondents to a representative survey had complete ignorance or were unable to even hazard a guess as to the maximum sentence for a series of common offences. Accordingly, in this survey respondents were asked to state their best estimate of the maximum penalty for 7 offences: robbery (life); B/E business premises (14 yrs); B/E private dwelling (life); theft under $200 (2 yrs); theft over $200 (10 yrs); impaired driving (5 yrs) and assault (5 yrs). As anticipated, members of the public under-estimated the magnitude of the current maxima, with the exception of assault, for which the average estimate was 5.4 years, and theft under $200 (1.4 yrs). These data support the position that the public have little idea of the actual Criminal Code maxima, and presumably arrive at their estimates by inferring the penalty on the basis of the severity of the crime. Thus the second-highest offence in the list was also one that the public regard as being quite serious (assault).

Another way of presenting these data is to divide the sample into the percentage that were accurate, the percentage that over-estimated and the percentage that under-estimated the severity of the maxima (see Table 21). Thus for robbery, only 2% were accurate in their opinion that the penalty was life. Likewise for B/E of a business premise, 71% under-estimated the maximum, 1% over-estimated and 1% were accurate. The remaining 27% responded "don't know".

Knowledge of Plea Bargaining (Table 22)

Since bargaining with the accused and/or his legal representative is a source of variation in sentencing, it is important to know the extent of public knowledge of this process. A multiple choice question was prepared in which a correct definition of plea bargaining was provided, along with three incorrect alternatives. (The question and the options can be seen in Table 22). While 18% did not know the correct answer, 63% chose correctly. A further 19% endorsed one of the three incorrect alternatives. Thus it is clear that most people are aware of the nature of plea bargaining. Accounts of sentencing in the media - particularly with reference to murder becoming manslaughter - frequently mention the fact that offenders plead guilty to lesser charges[7]. This presumably is responsible for public awareness of this process. Further research would be needed to know whether they view this mechanism as a source of inappropriately lenient sentences.

Knowledge of Consecutive/Concurrent (Table 23)

It has been suggested that one source of confusion regarding sentencing is the concepts of consecutive and concurrent sentences. Accordingly, respondents were given a scenario involving a concurrent term and were asked to estimate how long the offender would stay in prison if he were to serve his full term. The results seemed to support the view that people do not understand concurrent terms: less than half (47%) selected the correct alternative.

The last question contained a consecutive term. When asked to compute the length of time an offender would remain in jail having been sentenced to two consecutive terms, over two-thirds of respondents selected the correct alternative. Thus it seems that it is concurrent terms that are a source of confusion for the public.

FOOTNOTES

1. Subjects were not given these terms, but were provided with explanations of them. (For the exact wording of the options see Table 1).

2. This is consistent with other research in the United Kingdom. Walker and Marsh (1984) found that only 39% of their respondents could recall a sentence from recent newspapers.

3. One of the difficulties with a question of this nature is that the hierarchy of responses may simply reflect the public's familiarity with these sentencing purposes: thus they know little about incapacitation, and accordingly are less likely to endorse it as an important sentencing aim.

4. Although they were not asked this secondary question, the respondents probably had a more serious incident in mind than that which typically results in a conviction for assault.

5. This result may seem discrepant with a finding from last year's survey. Then, it will be recalled, 57% of respondents stated that offence frequency should always be taken into account by judges when sentencing. It can be argued that the "shopping-list" approach is a less adequate test of public opinion on this issue. For, there is no apparent cost to taking offence frequency into account in the way the question was asked last year. In the present survey the consequences of an exemplary sentence (i.e. a harsher than average sentence on account of a variable - offence frequency - over which the offender has no control) are more apparent. And, having considered the issue, the majority of the public reject the use of offence frequency as an aggravating factor. This outcome is consistent with other findings suggesting the pubic favour a desert-based sentencing model. They would be responding inconsistently if they endorsed the use of exemplary sentences on account of a change in offence frequency.

6. In this context the reader's attention is brought to a Gallup poll conducted in 1983. The public were asked if impaired drivers should be sent to jail. Only one in three supported this policy, a future that was down from 1968, when 43% favoured incarceration for impaired drivers.

7. See, for example, recent press coverage of Y. Trudeau, who pleaded guilty to 12 charges of manslaughter as part of a bargain with prosecutors in Quebec (Ottawa Citizen, March 13, 1986)

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LIST OF TABLES

TABLE 1

Reasons for Making Sentences Harsher[1]

<u>Mean Importance Rating*</u>

More severe sentences are desirable because offenders deserve more punishment than they are now getting	8.5
More severe sentences are desirable because they express society's disapproval of criminal behaviour	8.0
More severe sentences will deter other potential offenders from committing offences	7.8
More severe sentences will deter the offender from committing further offences	7.7
More severe sentences will prevent offenders from committing further offences by keeping them in prison longer	7.3

*High score = more important reason.

Question (7): Here are some reasons why sentences should be made more severe. As I read each one to you please rate the reason from 1 to 10 on its importance to your belief that sentences should be more severe. To do this you should rate a reason as "1" if is not at all important to you or you should rate it as "10" if it is very important to you, or you may use any number in between.

1. This question was posed only to those individuals who had previously expressed the view that sentences were too lenient. (i.e. 620 respondents).

TABLE 2

Reasons for Making Sentences Harsher (n = 620)[1]

<u>Percentage rating reason</u>
<u>as very important*</u>

More severe sentences are desirable because offenders
deserve more punishment than they are now getting   76

More severe sentences are desirable because they
express society's disapproval of criminal behaviour   68

More severe sentences will deter other potential
offenders from committing offences   63

More severe sentences will deter the offender
from committing further offences   62

More severe sentences will prevent offenders from
committing further offences by keeping them in
prison longer   57

*i.e., points 8, 9, 10 on a 10 point scale.

Question (7): Here are some reasons why sentences should be made more
severe. As I read each one to you please rate the reason
from 1 to 10 on its importance to your belief that sentences
should be more severe. To do this you should rate a reason
as "1" if is not at all important to you or you should rate
it as "10" if it is very important to you, or you may use
any number in between.

1. This question was posed only to those individuals who had previously
expressed the view that sentences were too lenient.

TABLE 3

Type of Lenient Sentence Recalled

	%	Excluding Don't know/not stated
Homicide	28	42
Sexual Assault	16	23
Impaired Driving	7	11
Assault	6	9
Theft/Robbery	3	4
Drugs	2	4
Child Abuse (Sexual)	2	3
Other	3	4
Have not seen/heard any and don't know	39	
	106*	

* Total exceeds 100 due to multiple responses from some subjects.

Question (8): If you have recently seen/heard in the news of a sentence that was too lenient, what was the crime that was committed?

TABLE 4

Primary Source of Information About Sentencing

	%
Television News	53
Newspapers	31
Radio News	11
Friends/Acquaintances	2
Government Publications or by attending court	1
Other/Don't know/Not stated	2
	100

Question (1): Although you may hear about sentences from a variety
of sources, from which one of these sources do you get
most of your information about the sentencing of offenders
in Canada?

TABLE 5

Most Important Purpose of Sentencing Minor Offenders

	%
To discourage the offender from committing further crimes.	34
To provide a punishment that reflects the seriousness of the offence	18
To rehabilitate the offender.	16
To discourage others from committing crimes.	13
To show society's disapproval of the crime.	7
To prevent the offender from committing further offences by imprisoning him/her.	5
To provide restitution to the victim where this is possible.	6
Don't Know	2

	100

Question (2a): There are several different purposes sentencing can serve. In your opinion, which one of these purposes is the most important when sentencing offenders convicted of relatively minor crimes such as shoplifting or causing a disturbance?

TABLE 6

Sentencing Purposes Relevant to Minor Offenders

	% Choosing Relevant
To discourage the offender from committing further crimes.	80
To discourage others from committing crimes.	75
To provide a punishment that reflects the seriousness of the offence.	75
To provide restitution to the victim where this is possible	69
To show society's disapproval of the crime.	68
To rehabilitate the offender.	67
To prevent the offender from committing further offences by imprisoning him/her.	43

Question (2b): For the remaining purposes, please say whether or not you consider each to be relevant to sentencing a minor offender?

TABLE 7

Most Important Purpose of Sentencing Serious Offenders

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	%
To prevent the offender from committing further offences by imprisoning him/her.	39
To provide a punishment that reflects the seriousness of the offence	27
To discourage the offender from committing further crimes.	11
To rehabilitate the offender.	7
To show society's disapproval of the crime.	5
To discourage others from committing crimes.	5
To provide restitution to the victim where this is possible.	2
Don't Know/Not Stated	4

	100

Question (3a): Now turning to offenders convicted of more serious crimes
                such as sexual assault or robbery, what, in your opinion,
                is the one most important purpose of sentencing?

TABLE 8

Sentencing Purposes Relevant to Serious Offenders

	% Choosing Relevant
To provide a punishment that reflects the seriousness of the offence.	86
To discourage the offender from committing further crimes.	85
To prevent the offender from committing further offences by imprisoning him/her	82
To discourage others from committing crimes.	81
To show society's disapproval of the crime.	80
To provide restitution to the victim where this is possible	70
To rehabilitate the offender.	70

Question (3b): And again, for the remaining purposes listed please say whether or not you consider each to be relevant to sentencing a serious offender?

TABLE 9

Most Appropriate Sentence to Ensure Protection of the Public

	Minor Offences (%)	Major Offences (%)
A fine	13	2
A period of probation (where the offender is allowed to remain in the community providing he complies with certain conditions)	22	8
A community service order (a condition of probation where an offender is required to perform a specified number of hours in work which provides a service to the community)	53	10
Imprisonment of a greater proportion of offenders	5	33
Imprisonment of offenders for longer periods of time	4	43
Not stated	3	5
	---	---
	100	100

Question (4 and 5):   For most offences in the Criminal Code a judge has
a choice as to the kind of sentence to impose.
Consider the case of relatively minor crimes such
as theft under $200 and consider more serious crimes
such as assault. Assuming for the moment that the
aim of sentencing is protection of the public, please
choose the most appropriate sentence to achieve
that aim.

TABLE 10

Cross-Tabulation of View of Sentencing
Severity and Most Appropriate Sentence for
Offender Convicted of Major Crime

Sentences Are:

	Too Lenient (n=603)	About Right (n=259)
Most Appropriate Sentence		
Non-Carceral[1]	15	30
Imprison more offenders	33	39
Imprison Offenders for a longer period	52	31
	---	---
	100	100

[1] Fine, probation or C.S.O.

$X^2(2) = 42$; $p < .0001$

TABLE 11

Opinion Regarding Community Attitudes as a Factor in Sentencing.

Question (10a):*   Some people maintain that courts across Canada should
be allowed to hand down different sentences for
essentially similar crimes to reflect different
community standards across the country. Thus a person
convicted of assault (for example) might receive a
different sentence if the offence took place in a
province or a town that viewed assault more seriously
than did the rest of the country.

On the other hand, others maintain that since the
criminal law is the same across all Canada, sentences
should not vary as a function of the province or town
in which the offence took place. They contend that it
is more just for sentences to be approximately
consistent across the country so that an offender in
one province receives a similar sentence to one
convicted of a similar offence in another province.

%

Responses: When sentencing, judges should take local community
standards into account even though this may lead to
variation in sentencing........................... 24

When sentencing, judges should not take local
community standards into account since this will
lead to variation in sentencing.................. 70

Don't know/not stated........................... 6

100

* On account of the complexity of the issue, respondents were explicitly
asked if they understood the question. If they stated they did not
understand it, the question was repeated.

TABLE 12

Cross Tabulation of View of Sentencing
And Issue of Community Standards

	Sentences Are:	
	Too Lenient (n=603)	About Right (n=259)
Judges should take community standards into account	21	31
Judges should not take community standards into account	79	69
	---	---
	100	100

$X^2(1) = 9.3$; $p < .002$

TABLE 13

Opinion Regarding Offence Frequency as a Factor in Sentencing.

Question (11):   Consider the following situation.

An offender is convicted of robbery in a town where the
number of robberies has just risen substantially. Is
it your opinion that the judge should sentence this man
to a harsher than normal sentence to reflect concern
over the increasing number of robberies. Or, should he
receive the same sentence he would have received before
an increase in robbery rates was noted?

	%
Should receive a harsher sentence..............	32
Should receive same sentence as would normally receive....................................	63
Don't know/no opinion........................	5
	100

TABLE 14

Cross tabulation between two questions relating to sentencing variation

Q. 10: Should judges take community standards into account?

Q.11: Should an offender receive a harsher sentence if there has has been a rash of offences?

	Q.10		
	Harsher Sentence	Same Sentence	
Yes, use community opinion	56	44	/100
No, don't use community opinion	26	74	/100

$X^2(1) = 67$; $p < .0001$

TABLE 15

Opinion Regarding Most Effective Way to Control Crime

	$\underline{\%}$
Reduce the level of unemployment	41
Make sentences harsher	27
Increase the use of non-imprisonment sentencing options such as restitution or community service orders	13
Increase the number of police	4
Increase the number of social programs	10
Other/ Don't know/not stated	5
	100

Question (9): Which of the ways listed on this card would in your view be the <u>single</u> most effective way to control crime?

TABLE 16

Cross tabulation of view of sentencing and
opinion regarding best way to control crime

	Sentences are:	
	Too lenient (n=603)	About Right (n=259)
Single most effective way to control crime:		
Harsher sentences	35	17
Reduce Unemployment	42	44
Increase use of non-carceral sanctions	12	21
Increase # of police	4	3
Increase # of social programs	7	15
	100%	100%

$X^2(4) = 41$, $p < .0001$.

TABLE 17

Opinion Regarding Imprisonment for Various Offences

	Prison			
	%Yes	%No	Don't Know	
Assault	74	21	5	/100
Theft over $200	64	30	6	/100
B/E private dwelling	63	32	5	/100
Impaired driving	60	35	5	/100
Robbery	59	34	7	/100
B/E business premise	56	39	5	/100
Theft under $200	17	79	4	/100

Question (12): There are a number of different sentences an offender can be given other than a term of imprisonment. These include a fine, a period of probation and/or probation or community service.

In the case of an adult offender with no previous convictions, please tell me, for each offence I read to you, whether in your opinion, and generally speaking, tne offender should or should not be sentenced to a term of imprisonment.

TABLE 18

Relative Punitiveness, Proponents of Deterrence vs. Rehabilitation

Crime	Most Important Sentencing Purpose	
	Individual Deterrence	Rehabitation
	% Favouring Incarceration	
Robbery	67	56
B/E Business	62	47
B/E private	71	56
Theft under	15	15
Theft over	73	58
Impaired Driving	64	48
Assault	79	68
Average	62%	50%

TABLE 19

Estimates of Average Sentences*

	Years	Months	% Don't know
Manslaughter	7	10	18
Robbery	3	1	19
B & E private dwelling	1	10	18
Impaired driving	1	6	17
Theft under $200	--	10	19

Note: responses in months were converted to years and months in this table.

Question (14):   1. The maximum penalty prescribed by law is intended for the worst possible case of any particular offence committed by the worst offender. The average case, however would not result in the maximum penalty but something less severe. I would like to ask your estimate of the average length of sentence for each of the offences I am going to read. Please give your answer in years and/or months.

TABLE 20

Estimates of Statutory Maxima

	C. Code	Average*	% Don't Know
Robbery	Life	7.1	25
Assault	5y	5.4	23
Break/Enter Business	14y	4.0	24
Break/Enter Private	Life	3.7	24
Theft over $200	10y	3.7	24
Impaired Driving	5y	2.9	22
Theft under $200	2y	1.4	25

* Excluding respondents who estimated the maximum was life (this % was below 5% for all offences).

Question (13):   The Criminal Code prescribes a maximum penalty for every offence. As far as you know, what is the maximum number of years in prison to which a judge can sentence any offender? If you think the maximum sentence is life, please indicate this. It doesn't have to be exact, we just want your best guess.

TABLE 21

Accuracy of Public Estimates of Maximum Penalties

Offence	Under-estimate	Accurate	Over-estimate
Robbery (L)	98 (1-25y)	2 (L)	N/A
B/E business premises (14)	71 (1-10y)	1 (11-15y)	1 (16y)
B/E private dwelling (L)	73 (1-25y)	.05 (L)	N/A
Theft under (2y)	45 (1y)	12 (2-3y)	6 (3y)
Theft over (10y)	63 (1-5y)	8 (6-10y)	3 (10y)
Impaired driving (5y)	54 (1-4y)	8 (5y)	10 (5y)
Assault (5y)	35 (1-4y)	14 (5y)	26 (5y)

Note: Rows do not add to 100% on account of "don't know" and "none"
        responses. For wording of question see Table 20.

TABLE 22

Knowledge of Definition of Plea-Bargaining

Plea bargaining is:

	A process by which a convicted offender agrees to plead guilty in return for early parole release..............	11
	A process by which an accused person agrees to plead guilty in return for release prior to sentencing..................	5
	A process by which two offenders charged with the same crime agree to enter the same plea.......................	3
*	A process by which an accused pleads guilty in return either for a lighter sentence or for conviction on a less serious charge..........	63
	Don't know...................................	18
		100

Question (15):   Please look at this card and tell me which of the definitions on it best describes what you understand "plea-bargaining" to be?

TABLE 23

Knowledge of Consecutive/Concurrent Sentence Distinction

Question (16):   Now we have a couple of questions about concurrent and
                   consecutive sentences. Please consider this example.

                   An offender is convicted of two crimes. He has been
                   sentenced by the judge to 2 years for one and 6 months
                   for the second.

                   The second sentence is to run concurrent with the
                   first. If the offender serves his full term in prison
                   how long will he be imprisoned?

		%
	One Year.....................	5
	18 months...................	11
*	2 years.....................	46
	2 years and 6 months........	32
	Don't know..................	6
		100

Question (17):

                   Now consider another offender convicted of two crimes.
                   He has been sentenced by the judge to 4 years for one
                   and 2 years for the second - with the second sentence
                   to run consecutive to the first.

                   If the offender serves his full term in prison how long
                   will be imprisoned?

		%
	2 years.....................	4
	4 years.....................	15
*	6 years.....................	68
	4 years and 6 months........	6
	Don't Know..................	7
		100

PUBLIC OPINION AND SENTENCING (III)

SUMMARY

Highlights:

*   Few respondents were able to name an offence carrying a minimum penalty.

*   Only 6% correctly identified the minimum penalty for importing a narcotic.

*   Providing respondents with information about the new, harsher penalties for impaired driving had no effect on subsequent ratings of the seriousness of the offence.

*   Alternatives to incarceration were a more popular than prison construction as a solution to prison overcrowding.

*   There was more support for release through earned remission than for release on discretionary parole.

INTRODUCTION:

This report summarizes the results of the third and final
nation-wide survey conducted by the Gallup organization, in July
1986. The purpose of this survey was to address some residual
questions that remained from the first two surveys. As with
those earlier polls, this one employed a representative survey of
1,045 individuals.

1.   Public Knowledge of Minimum Penalties (Tables 1, 2, 3)

The first questions in the poll addressed public knowledge of
penalties. Respondents were asked to name an offence that
carries a minimum penalty. First, however, they were provided
with a definition of what is meant by the term. The results can
be seen in Table 1. Fully 36% of the sample could not name an
offence that carries a minimum penalty. Many others named
offences that do not carry a minimum; 12% named break and enter
or theft, for example.

Respondents were then provided with a list of five offences
(sexual assault; dangerous driving; hijacking; impaired driving;
manslaughter) and were asked to identify the one which currently
carries a minimum. Only approximately one-quarter (28%) of
respondents correctly identified impaired driving (see Table 2).

Nor did respondents have any accurate idea about the minimum
penalty for importing a narcotic: fully 26% did not know what
the minimum was; only 6% were correct in their estimates (see
Table 3).

2.   Knowledge of the maximum for impaired driving (Table 4)

Having asked about the minimum penalty for impaired driving, we
then asked respondents if they knew what the maximum penalty for
this offence was. They were told that Parliament had recently
changed the maximum, and were asked to state what the new maximum
was. Fully three-quarters of the sample did not know (see
responses in Table 4).

It is clear from these tables that the structure of penalties,
both minima and maxima, have not yet filtered down to the public.

3.   Does information about the penalty structure influence
      public perceptions of offence seriousness?

It has often been asserted that public perceptions of the
seriousness of crimes are affected by the penalties attached to
those crimes. While this may be so, empirical tests of this

proposition have been few in number. An attempt was made in this survey to provide another test of the notion that penalties convey a message that affects public perceptions of the seriousness of crimes. Prior to providing a rating of the seriousness of impaired driving, half of the respondents were given information about the new, more severe penalties for this offence. The other half of the sample were not given this information. The hypothesis in this experiment then, was that ratings of seriousness would be significantly higher in the group that had received the information about penalties.

Consistent with previous research, the 'manipulation' of this type of information had no significant effect on seriousness ratings: the average ratings in the two groups were 68.9 and 68.2 on a 100 point scale of perceived seriousness. No evidence was uncovered in this survey to support the view that harsher penalties convey an effective message to members of the public about the relative seriousness of criminal acts.

4.   Opinion regarding the use of imprisonment (Table 5)

In order to provide some comparative data on public views of the use of imprisonment for different offences, respondents were asked the following question:

> What percentage of those convicted of perjury
> (e.g. giving false evidence in court) should
> be sent to jail rather than receive an
> alternative to imprisonment?

This question was posed about nine offences. The result can be seen in Table 5. The average response ranges from 50% for perjury to 89% for kidnapping and sexual assault.

5.   Solutions to prison overcrowding

Respondents were asked their opinion of solutions to prison over-crowding. They were asked to choose between (a) building more prisons, and (b) sentencing more offenders to alternatives to imprisonment. Support was overwhelming for the latter. Fully 70% endorsed alternatives to incarceration over prison construction as a solution to overcrowding in Canadian prisons.

6.   Responses to structuring judicial discretion

The sampled public appear evenly divided on the issue of structuring judicial discretion. The following question was posed:

Introduction:

Some people say that each serious crime should carry a sentence of a definite length, so that potential offenders can know if they are convicted of an offence such as robbery, for example, they will receive a sentence between 8 and 10 years. Others say that judges should decide on a case-by-case basis how long the term of imprisonment should be, and be able to give pretty well any sentence they think fit.

What do you think?

(a) The law should provide a fairly narrow range of sentence for each serious offence;

<div align="center">or</div>

(b) Judges should have the freedom to give whatever sentence they happen to feel is appropriate to the offender.

The breakdown was 49% for (a); 47% for (b) and 4% 'don't know'.

7. Reactions to early release

To supplement the earlier survey (#1) on early release, a few more questions were now asked. First, respondents were asked if they were in favour of, or opposed to, some form of early release. The majority (57%) favoured some form of early release. They were then provided with definitions of parole and earned remission, and asked to choose one of the two. Six percent chose 'don't know'. Of those who chose, 59% endorsed earned remission, 41% parole. Clearly the earned remission program enjoys more support among members of the Canadian public.

Finally, when asked what percentage of a prison sentence should be eligible for remission, the average response was 32%.

LIST OF TABLES

TABLE 1

Knowledge of Minimum Penalties

	%
No[a]	36
Murder	22
Sexual Assault	12
Assault	2
Drinking/Driving	16
Robbery	12
Break and Enter/Theft	12
Fraud	1
Drug-related	4
Treason	1
Kidnapping/Hijacking	1
Other	4
	123[b]

[a] Question (1): Can you name an offence that carries a minimum penalty?

[b] Total exceeds 100 due to multiple responses from some respondents.

TABLE 2

Identifying an Offence Carrying a
Mandatory Minimum Penalty[a]

	%
Manslaughter	29
Impaired Driving	28
Sexual Assault	17
Dangerous Driving	10
Hijacking	6
Don't Know	10
	100

[a] Question (2): One of the following offences carries a minimum penalty. Can you tell me which one?

TABLE 3

Knowledge of Minimum Penalty for Importing[a]

	%
Don't Know	62
1 month - 3 years	16
37 months - 5 years	8
61 months - 78 months	0
79 months - 84 months*	6
Over 86 months	8
	100

* Correct.

[a] Question (3): What is the minimum penalty for importing a narcotic?

TABLE 4

Knowledge of Maximum Penalty for Impaired Driving[a]

	%
1 year imprisonment (or less)	9
2 years imprisonment	1
3 years imprisonment	3
5 years imprisonment	4
7 years imprisonment	2
9 years imprisonment	1
Other	5
Don't Know	75
	100

[a] Question (4): Recently Parliament changed the maximum penalties for impaired driving. Do you know what the new maximum penalty for impaired driving is?

TABLE 5

Public Opinion Concerning the Use of Imprisonment[a]

	% [b]
Kidnapping	89
Sexual Assault	89
Arson	81
Assault a police officer	71
Forgery	70
Theft over $1,000	63
Fraud over $1,000	63
Unlawful possession of a firearm	57
Perjury	50

[a] Question (5): "What percent of those convicted of (perjury) should be sent to prison?"

[b] Average of responses